<u>CLAIMS</u>

**1. (Currently Amended)** A method comprising:

receiving, by a media player, a request to play a first recorded audio file

and a second audio file;

selecting a first data sample and a second data sample in the first audio

<u>file;</u>

calculating an average output value of the first two data samples in the first

audio file;

if the average value in the first audio file exceeds a threshold value,

marking the second data sample as an effective start position associated with the

first audio file and marking the first data sample as silent;

if the average value does not exceed the threshold value:

selecting subsequent data samples in the first audio file and

updating the average value of all selected data samples until the average

value exceeds a threshold value;

progressively analyzing, by the media player, consecutive data

samples of the first audio file to determine a data sample wherein an

output threshold is reached to identify:

an effective start of audio position associated with the first audio file:

and

Serial No.: 10/658,349 Atty Docket No.: MS1 -1579US

Atty/Agent: John C. Meline

lee@haves The Business of IP\*

-2-

an effective start of fade-out position associated with the first audio

file;

selecting the last two data samples in the first audio file;

calculating an average value of the last two data samples in the first

audio file;

if the average value exceeds a threshold value, marking the second data

sample as an effective start of fade-out position-associated with the first audio file

and marking the first data sample as silent;

if the average value does not exceed the threshold value:

selecting subsequent data samples in the first audio file and

updating the average value of all selected data samples until the average

value exceeds a threshold value;

progressively analyzing consecutive data samples of the second

audio file to determine a data sample wherein an output threshold is

reached to identify an effective audio start position associated with the

second audio file;

selecting the first two data samples in the second audio file;

calculating an average value of the first two data samples in the

second audio file;

if the average value exceeds a threshold value, marking the second data

sample as an effective start position associated with the second audio file and

marking the first data sample as silent;

Serial No.: 10/658,349

Atty Docket No.: MS1 -1579US

Atty/Agent: John C. Meline

-3-

kee@haves The Business of IP\*

if the average value does not exceed the threshold value:

selecting subsequent data samples in the second audio file and updating

the average value of all selected data samples until the average value exceeds a

threshold value;

playing the first audio file beginning at the effective start position

associated with the first audio file;

upon reaching the effective start of fade-out position associated with the

first audio file:

fading-out playback of the first audio file; and

while fading-out playback of the first audio file, simultaneously

fading-in playback of the second audio file beginning at the effective start

position associated with the second audio file.

2. (Previously Presented) A method as recited in claim 1 wherein the

fade-out position associated with the first audio file is located a predetermined

time ahead of an effective end position associated with the first audio file.

3. (Previously Presented) A method as recited in claim 1 wherein the

effective start position associated with the first audio file differs from an actual

start position of the first audio file.

Serial No.: 10/658,349 Atty Docket No.: MS1 -1579US

Atty/Agent: John C. Meline

-4- lee@haves The Business of IP\*

4. (Original) A method as recited in claim 1 further comprising

fading-out playback of the second audio file upon reaching a fade-out position

associated with the second audio file.

5. (Previously Presented) A method as recited in claim 1 wherein the

effective start position associated with the first audio file and the fade-out position

associated with the first audio file are stored in a media library.

6. (Previously Presented) A method as recited in claim 1 wherein the

effective start position associated with the first audio file and the fade-out position

associated with the first audio file are stored in the first audio file.

7. (Original) One or more computer-readable memories containing

a computer program that is executable by a processor to perform the method

recited in claim 1.

**8.** (Previously Presented) A method comprising:

Receiving, by an audio cross-fade engine, a request to analyze an audio

file;

selecting the first two data samples in the audio file;

calculating an average value of the first two data samples in the audio file;

Serial No.: 10/658,349 Atty Docket No.: MS1 -1579US

Atty/Agent: John C. Meline

lee@haves The Business of IP\*

-5-

if the average value exceeds a threshold value, marking the second data sample as an effective start position associated with the audio file and marking

the first data sample as silent;

if the average value does not exceed the threshold value:

selecting subsequent data samples in the audio file and updating the

average value of all selected data samples until the average value exceeds a

threshold value:

marking a current data sample as an effective start position associated

with the audio file; and

marking previously selected data samples as silent.

9. A method as recited in claim 8 wherein the (Original)

average value of the data samples is calculated based on volume levels in the

audio file.

10. (Original) A method as recited in claim 8 further

comprising saving the effective start position associated with the audio file to a

media library.

11. (Original) A method as recited in claim 8 further

comprising saving the effective start position associated with the audio file to a

storage device that stores the audio file.

Serial No.: 10/658,349 Atty Docket No.: MS1 -1579US Atty/Agent: John C. Meline

lee@haves The Business of IP\*

-6-

12. (Original) A method as recited in claim 8 further comprising saving information regarding data samples marked as silent to a storage device that stores the audio file.

**13. (Original)** A method as recited in claim 8 wherein the effective start position is applied during subsequent playback of the audio file.

14. (Original) A method as recited in claim 8 wherein the effective start position is applied during subsequent playback of the audio file to determine a point at which the audio file begins to fade-in as a previous audio file fades out.

**15. (Original)** One or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 8.

**16. (Previously Presented)** A method comprising:

receiving, by an audio cross-fade engine, a request to analyze an audio file;

selecting the last two data samples in the audio file;

calculating an average value of the last two data samples in the audio file;

Serial No.: 10/658,349 Atty Docket No.: MS1 -1579US Atty/Agent: John C. Meline

lee&haves The Business of IP\*

if the average value exceeds a threshold value, marking the last data sample as an effective end position associated with the audio file and marking the other selected data sample as silent;

if the average value does not exceed the threshold value:

selecting previous data samples in the audio file and updating the average value of all selected data samples until the average value exceeds a threshold value;

marking a current data sample as an effective end position associated with the audio file; and

marking previously selected data samples as silent.

- **17. (Original)** A method as recited in claim 16 wherein the method is performed by a media player application.
- **18. (Original)** A method as recited in claim 16 further comprising saving the effective end position associated with the audio file in a media library.
- 19. (Original) A method as recited in claim 16 further comprising saving the effective end position associated with the audio file to a storage device that stores the audio file.

Serial No.: 10/658,349 Atty Docket No.: MS1 -1579US Atty/Agent: John C. Meline



- **20.** (**Original**) A method as recited in claim 16 wherein the average value of the data samples is calculated based on volume levels in the audio file.
- 21. (Original) A method as recited in claim 16 further comprising saving information regarding data samples marked as silent to a storage device that stores the audio file.
- **22.** (**Original**) A method as recited in claim 16 wherein the effective end position is applied during subsequent playback of the audio file.
- **23.** (**Original**) A method as recited in claim 16 wherein the effective end position is applied during subsequent playback of the audio file to determine a point at which the audio file begins to fade-out.
- **24. (Original)** One or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 16.
  - **25.** (Currently Amended) An apparatus comprising: a cross-fade parameter calculator configured to perform acts comprising:

Serial No.: 10/658,349 Atty Docket No.: MS1 -1579US Atty/Agent: John C. Meline



progressively analyze consecutive data samples of a first audio file to

determine a data sample wherein a output threshold is reached;

select a first and a second data sample in a first audio file;

calculate an average output value of the first and second data

samples in the first audio file;

if the average value exceeds a threshold value, mark the second

data sample as an effective start position associated with the first audio file

and mark the first data sample as silent;

if the average value does not exceed the threshold value:

select subsequent data samples in the first audio file and update the

average value of all selected data samples until the average value

exceeds a threshold value; and

calculate at least one fade-out parameter associated with the first audio

file:

select the last two data samples in the first audio file;

calculate an average value of the last two data samples in the first

audio file;

if the average value exceeds a threshold value, mark the second

data sample as an effective start of fade-out position-associated with the

first audio file and mark the first data sample as silent;

if the average value does not exceed the threshold value:

-10-

Serial No.: 10/658,349 Atty Docket No.: MS1 -1579US

Atty/Agent: John C. Meline

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select subsequent data samples in the first audio file and update the

average value of all selected data samples until the average value

exceeds a threshold value;

a media library coupled to the cross-fade parameter calculator, the media

library configured to store fade-out parameters associated with a plurality of

audio files, wherein the fade-out parameters are stored separate from the audio

files; and

a cross-fader coupled to the media library, the cross-fader configured to

apply fade-out parameters during playback of audio files.

**26**. **(Previously Presented)** An apparatus as recited in claim 25

wherein the cross-fade parameter calculator is further configured to calculate an

effective start position associated with the first audio file.

27. (Previously Presented) An apparatus as recited in claim 25

wherein the cross-fade parameter calculator is further configured to calculate an

effective end position associated with the first audio file.

**28**. **(Previously Presented)** An apparatus as recited in claim 25

wherein the cross-fader is further configured to retrieve fade-out parameters from

the media library.

Serial No.: 10/658,349

Atty Docket No.: MS1 -1579US Atty/Agent: John C. Meline -11-

lee@haves The Business of IP\*

**29.** (Currently Amended) An apparatus comprising:

means for receiving a request to play a first audio file followed by a second

audio file;

means for progressively analyzing consecutive data samples of the first

audio file to determine a data sample wherein an output threshold is reached to

identify a first effective start position and a fade-out position associated with the

first audio file, and

means for selecting the first two data samples in the first audio file;

means for calculating an average value of the first two data samples in the

first audio file;

if the average value exceeds a threshold value, marking the second

data sample as an effective start position associated with the first audio file

and marking the first data sample as silent;

if the average value does not exceed the threshold value:

selecting subsequent data samples in the first audio file and

updating the average value of all selected data samples until the average

value exceeds a threshold value;

means for selecting the last two data samples in the first audio file;

-12-

means for calculating an average value of the last two data samples in the

first audio file;

Serial No.: 10/658,349

Atty Docket No.: MS1 -1579US Atty/Agent: John C. Meline lee@haves The Business of IP\*

if the average value exceeds a threshold value, marking the second

data sample as an effective start of fade-out position-associated with the

first audio file and marking the first data sample as silent;

if the average value does not exceed the threshold value:

selecting subsequent data samples in the first audio file and

updating the average value of all selected data samples until the average

value exceeds a threshold value:

means for selecting the first two data samples in the second audio file:

means for calculating an average value of the first two data samples in the

second audio file;

if the average value exceeds a threshold value, marking the second

data sample as an effective start position associated with the second audio

file and marking the first data sample as silent;

if the average value does not exceed the threshold value:

means for selecting subsequent data samples in the second audio file and

updating the average value of all selected data samples until the average value

exceeds a threshold value;

means for playing the first audio file beginning at the first effective start

position, wherein upon reaching the fade-out position associated with the first

audio file, the means for playing fades-out playback of the first audio file and

begins playing the second audio file beginning at the second effective start

position.

Serial No.: 10/658,349

Atty Docket No.: MS1 -1579US

Atty/Agent: John C. Meline

-13lee@haves The Business of IP\*

**30.** (**Original**) An apparatus as recited in claim 29 wherein the fade-out position is located a predetermined time prior to an effective end position associated with the first audio file.

31. (Original) An apparatus as recited in claim 29 wherein the means for playing fades-out playback of the second audio file upon reaching a fade-out position associated with the second audio file.

32. (Original) An apparatus as recited in claim 29 wherein the start position associated with the first audio file, the fade-out position associated with the first audio file, and the second effective start position associated with the second audio file are retrieved from a media library.

33. (Original) An apparatus as recited in claim 29 wherein the start position associated with the first audio file and the fade-out position associated with the first audio file are retrieved from the first audio file.

34. (Currently Amended) One or more computer-readable storage media having stored there on a computer program that, when executed by one or more processors, causes the one or more processors to perform a method comprising:

Serial No.: 10/658,349 Atty Docket No.: MS1 -1579US Atty/Agent: John C. Meline receiving by the one or more processors a request to play a sequence of

audio files;

progressively analyzing consecutive data samples in the sequence of

audio files, yielding data to calculate an effective start position and a fade-out

position associated with the first audio file:

progressively analyzing consecutive data samples of a second audio file

in the sequence of audio files, yielding data to calculate an effective start position

associated with a second audio file, wherein the second audio file is adjacent and

subsequent to the first audio file within the sequence of audio files;

selecting the first two data samples in the first audio file;

calculating an average value of the first two data samples in the first audio

file;

if the average value exceeds a threshold value, marking the second

data sample as an effective start position associated with the first audio file

and marking the first data sample as silent;

if the average value does not exceed the threshold value:

selecting subsequent data samples in the first audio file and

updating the average value of all selected data samples until the average

value exceeds a threshold value;

selecting the last two data samples in the first audio file;

calculating an average value of the last two data samples in the first audio

file;

Serial No.: 10/658,349

Atty Docket No.: MS1 -1579US

Atty/Agent: John C. Meline

-15-

lee@haves The Business of IP\*

if the average value exceeds a threshold value, marking the second

data sample as an effective start of fade-out position-associated with the

first audio file and marking the first data sample as silent;

if the average value does not exceed the threshold value:

selecting subsequent data samples in the first audio file and

updating the average value of all selected data samples until the average

value exceeds a threshold value;

selecting the first two data samples in the second audio file;

calculating an average value of the first two data samples in the second

audio file;

if the average value exceeds a threshold value, marking the second

data sample as an effective start position associated with the second audio

file and marking the first data sample as silent;

if the average value does not exceed the threshold value:

selecting subsequent data samples in the second audio file and updating

the average value of all selected data samples until the average value exceeds a

threshold value;

playing the first audio file beginning at the effective start position

associated with the first audio file;

upon reaching the fade-out position associated with the first audio file:

-16-

fading-out playback of the first audio file; and

Serial No.: 10/658,349

Atty Docket No.: MS1 -1579US Atty/Agent: John C. Meline lee@haves The Business of IP\*

playing the second audio file beginning at the effective start position

associated with the second audio file.

35. (Previously Presented) One or more computer-readable

storage media as recited in claim 34 wherein the fade-out position associated

with the first audio file is calculated by subtracting a predetermined time period

from an effective end position associated with the first audio file.

36. (Previously Presented) One or more computer-readable

storage media as recited in claim 34 wherein the one or more processors further

fade-out playback of the second audio file upon reaching a fade-out position

associated with the second audio file.

37. (Previously Presented) One or more computer-readable

storage media as recited in claim 34 wherein the one or more processors further

calculate effective start positions and fade-out positions associated with each

audio file in the sequence of audio files.

Serial No.: 10/658,349 Atty Docket No.: MS1 -1579US

-17lee@haves The Business of IP\* Atty/Agent: John C. Meline